

## United States District Court

SOUTHERN

DISTRICT OF  
McAllen Division

TEXAS

UNITED STATES OF AMERICA

FILED

March 30, 2022

CRIMINAL COMPLAINT

V.

Nathan Ochsner, Clerk of Court

Hector Guerra

Case Number:

YOB: 2002 COB: United States

M-22-0628 -M

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

On or about March 29, 2022 in Starr County, in the  
Southern District of Texas

(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Rudy Armando Hernandez-Aguilar and Jenny Beatriz Deleon-Reynoso, citizens and nationals of Guatemala, along with one (1) other undocumented alien, for a total of three (3) who had entered the United States in violation of law, did knowingly transport, or move or attempted to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Roma, Texas to the point of arrest near Roma, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONYI further state that I am a U.S. Border Patrol Agent and that this complaint is based on the following facts:

On March 29, 2022, Border Patrol Intelligence Agents were conducting surveillance in Roma, Texas when they observed two vehicles travelling on Expressway 83. The two vehicles were both known to have been used in alien smuggling and scouting activities in the past. Agents, utilizing unmarked Border Patrol vehicles, followed the vehicles at a safe distance, observing them drive recklessly, at a high rate of speed, on and off lanes of travel until they turned on to a residential street, where they continued to drive recklessly. Agents then witnessed one car, a brown Nissan Maxima, park in the driveway of a residence of a known alien smuggler. Agents noticed no one exit the vehicle and approached the still-running sedan to establish contact with the occupants. The driver, later identified as Hector Guerra, a United States citizen, said that he was just giving his passengers a ride after Agents identified themselves. Agents observed three people in the back seat of the car, attempting to hide below the window line to avoid detection. The passengers were determined to be illegally present in the United States. Guerra and the three passengers were arrested and transported to the Rio Grande City Border Patrol Station for processing.

## PRINCIPAL STATEMENT: Hector Guerra

Hector Guerra, a United States citizen, was read his Miranda rights in the Spanish language. Guerra understood his rights and agreed to provide a sworn statement.

Guerra claimed he was sitting in his car near the Domino's Pizza in Roma, Texas, waiting for his pizza when a female knocked on his window and asked for a ride. Guerra stated he agreed to give the female and her companions a ride. Guerra said he drove the people in his car to a house where he was approached by Border Patrol Agents. Guerra added he didn't know who's house it was but he left a pair of shoes there and he was going to pick them up. Guerra claimed he did not understand why his passengers appeared to be hiding in his back seat.

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Complaint authorized by AUSA P. Brostowin

/s/ Oscar Ortiz

Submitted by reliable electronic means, sworn to and attested  
 telephonically per Fed. R. Cr.P.4.1, and probable cause found on:

Signature of Complainant

Oscar Ortiz Border Patrol Agent

Printed Name of Complainant

March 30, 2022 2:25pm  
 Date

at

McAllen, Texas  
 City and State

Nadia S. Medrano , U. S. Magistrate Judge  
 Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS**

**ATTACHMENT TO CRIMINAL COMPLAINT:**

**M-22- 0628 -M**

**RE: Hector Guerra**

**CONTINUATION:**

**MATERIAL WITNESS STATEMENT: Rudy Armando Hernandez-Aguilar**

Rudy Armando Hernandez-Aguilar, a citizen and national of Guatemala, was read his Miranda rights in the Spanish language. Hernandez understood his rights and agreed to provide a sworn statement.

Hernandez stated he made his own arrangements to be smuggled into the United States and has paid \$50,000 Guatemalan Quetzales. Hernandez said he crossed the Rio Grande River aboard a raft with two others. Hernandez added once making landfall in the U.S., a grey car driven by a tall, fair skinned male with black hair was waiting nearby. Hernandez told Agents the driver instructed them to hide below the window after entering the car.

Hernandez was provided a photo lineup containing an image of Hector Guerra and was unable to identify anyone.

**MATERIAL WITNESS STATEMENT: Jenny Beatriz Deleon-Reynoso**

Jenny Beatriz Deleon-Reynoso, a citizen and national of Guatemala, was read her Miranda rights in the Spanish language. Deleon understood her rights and agreed to provide a sworn statement.

Deleon told Agents her father made smuggling arrangements on her behalf and does not know how much was paid to be smuggled to her destination in the United States. Deleon stated she crossed the Rio Grande River on March 29, 2022, at approximately 1pm, with two other people. Deleon added she walked for about five (5) minutes, receiving instructions via someone's cell phone about the route to walk and the description of the car they were to board. Deleon said she heard the driver say, before Border Patrol Agents approached the car, "immigration got us."

Deleon identified Hector Guerra, through a photo lineup, as the driver of the car that transported them.